

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Omaha
FILE NUMBER: 2004-90-458

REGULATORY PROJECT MANAGER: McDonald **Date:** 7/21/04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) **Date:**
 At the project site Y(Y/N) **Date:** 7/15/04

PROJECT LOCATION INFORMATION:
 State: Montana
 County: Deer Lodge
 Center coordinates of site by latitude & longitudinal coordinates: 46-11-52 / 113-14-43
 Approximate size of site/property (including uplands & in acres): 2 acres
 Name of waterway or watershed: Flint Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream		x							
Dry Wash									
Mudflat									
Sandflat									
Wetlands		x							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?		x			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved x.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Based upon an onsite visit on July 15, 2004, the flowing stream and adjacent wetlands did not have a surface connection to or near another tributary to a navigable water. Photos are attached.